

ESTTA Tracking number: **ESTTA610547**

Filing date: **06/18/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Lacoste Alligator S.A.		
Entity	Corporation	Citizenship	Switzerland
Address	6 rue Cornavin Geneva 1, 1211 SWITZERLAND		

Attorney information	David Ehrlich Fross Zelnick 866 UN Plaza New York, NY 10017 UNITED STATES ehrllich-docket@fzllz.com Phone:212 813-5920
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Applicant Information

Application No	86161912	Publication date	05/27/2014
Opposition Filing Date	06/18/2014	Opposition Period Ends	06/26/2014
Applicant	Bull Gator Outfitters, LLC 8602 SW 42nd Place Gainesville, FL 32068 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 0 First Use In Commerce: 0


All goods and services in the class are opposed, namely: Outerwear for women, men and children, namely, shirts, t-shirts, blouses, sweatshirts, jackets, pullovers, jerseys, jump suits, pants, shorts, skirts, and dresses

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	2004314	Application Date	09/29/1995
Registration Date	10/01/1996	Foreign Priority Date	NONE
Word Mark	NONE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1935/00/00 First Use In Commerce: 1950/00/00 polo shirts, sweatshirts, blousons, shirts, pants, shorts, skirts, dresses, jogging suits, sweaters, jackets, parkas, headwear, robes, swimwear, footwear, socks, belts, gloves

Attachments	74735966#TMSN.jpeg(bytes) Lacoste SA v. Bull Gator Outfitters, LLC - Notice of Opposition (F1471193x96B9E).pdf(86644 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/dwe/
Name	David Ehrlich
Date	06/18/2014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Serial No. 86/161912

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LACOSTE ALLIGATOR S.A.,	:	Opposition No.
	:	
Opposer,	:	
	:	
- against -	:	
	:	
BULL GATOR OUTFITTERS, LLC,	:	
	:	
	:	
Applicant.	:	
-----X	:	

NOTICE OF OPPOSITION

Opposer believes that it will be damaged by registration of the mark shown in the above-described application, and hereby opposes the same. As grounds of opposition, it is alleged that:

1. Opposer owns a design mark of a crocodile or alligator for shirts and other clothing. Opposer, though licensees, has used this mark in the U.S. for many years and since long before Applicant's filing date.
2. Opposer owns U.S. Trademark Reg. No. 2004314 for that mark for those goods. This registration is valid, fully in force and incontestable.
3. Applicant filed the application at issue on January 9, 2014, based on intent-to-use, for a mark consisting of a design of an alligator or crocodile, for the same types of clothing and closely related clothing. Upon information and belief, Applicant has no basis to claim an earlier priority than Opposer.
4. Applicant's mark so resembles Opposer's mark as to be likely, when applied to the goods of Applicant, to cause confusion, or to cause mistake, or to deceive, in violation of Lanham Act Section 2(d).
5. Opposer would be injured by the granting to Applicant of a certificate of registration for the trademark for which registration is sought because this mark would tend to damage Opposer's goodwill in its mark.

6. By reason of the foregoing, Applicant is not entitled to the registration of the trademark sought by its application.

WHEREFORE, Opposer respectfully prays that this opposition be sustained and that the application be denied.

Dated: New York, New York
June 18, 2014

Respectfully submitted,

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: 

David Ehrlich
Attorney for Opposer
866 United Nations Plaza
New York, New York 10017
(212) 813-5900
Opposer's Ref: LCA USA TC-14/04768

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by First Class mail on the Attorney for Applicant, Kyle M. Globerman, Brient Globerman, LLC, 1175 Grimes Bridge Road, Suite 100, Roswell, Georgia 30075-3939, on June 18, 2014.



David Ehrlich